World Bank Assistance

3522. DR. A.K. PATEL : Will the PRIME MINISTER be pleased to state :

(a) whether Government of Gujarat had requested for any World Bank assistance for the Family Planning Programme during the years 1996-97;

(b) if so, the details of the assistance provided to the State so far;

(c) whether the State Government has utilised all the assistance during the above period; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI RENUKA CHOWDHURY) : (a) to (d) The State Government of Gujarat has forwarded in 1996-97 a Sub project proposal for Vadodara district for a period of five years at a total cost of Rs. 10.61 Crores to be taken up as part of the Reproductive and Child Health Project with World Bank assistance. The Project has been appraised and accepted by the World Bank for inclusion in the Reproductive and Child Health Project recently negotiated with the Bank. The Reproductive and Child Health Project is currently in the final approval stage of the Government of India.

Rules for Reservation

3523. SHRI ANCHAL DAS : Will the PRIME MINISTER be pleased to state :

(a) whether the Government have issued any circular on 'Seniority of SC/ST officers, promoted earlier vis-a-vis general candidate promoted later' on 30th January, 1997;

(b) if so, the details of the circular;

(c) whether the Government have received any representation against this circular and the action taken thereon;

(d) whether the Government are aware of the Supreme Court's Judgements in case of Shri Jagdish Lal and others V/s. State of Haryana and Ashok Kumar Gupta V/s. State of Uttar Pradesh of dated May 7th and March 21st, 1997; and

(e) if so, the details of the judgements?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN) : (a) to (c) Yes Sir. Having regard to the judgement of the Hon'ble Supreme Court in the matter of Union of India and Ors. Vs. Virpal Singh Chauhan etc. (JT 1995 (7) SC 231) orders have been issued by the Government vide O.M.No. 20011/1/96-Eastt (D) dated 30.1.97 that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserve vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade. However, if in the meanwhile, the reserved candidate, who got accelerated promotion to the immediate higher grade, has moved still further by getting promotion to the next higher grade, no benefit would accrue to the general OBC candidate at the time of his promotion. These orders are effective from the date of issue i.e. from a prospective date.

Representations have been received against the orders which were examined in the light of the law laid down by the Hon'ble Supreme Court and the provisoin made in the aforesaid Office Memoradum.

(d) and (e) Yes Sir. In case of Shri Jagdish Lal and others Vs. State of Haryana the Hon'ble Supreme Court in its judgement dated 7.5.1997 has held *inter-alia* that the principle laid down in Virpal Singh Chauhan's case will operate prospectively and will not affect promotions of reserved category candidates which were made prior to the case of Virpal Singh Chauhan. Also, the ruling in Chauhan's case cannot be given effect automatically through issue of executive instructions if there is contrary provision in the statutory rules. In other words, it will be necessary to amend the statutory rules governing seniority to give effect to the ruling of the Hon'ble Supreme Court. Where, however, there are no statutory rules regulating seniority, issue of instructions in this regard would suffice.

In the case of Ashok Kumar Gupta Vs. State of Uttar Pradesh, challenge was directed at reservation in promotion. The Hon'ble Supreme Court in its judgement dates 21.3.1997 has upheld the validity of reservation in promotion under the relevant rules on the grounds that the Supreme Court, in Indira Sawheny's judgement, has permitted the existing scheme of reservations in promotions to continue for a period of five years from the date of said judgement.

ITIs in Kerala

3524. SHRI S. AJAY KUMAR : Will the Minister of LABOUR be pleased to state :

(a) whether the Government are considering to grant National Council for Vocational Trainings (NCVT) approval for 41 ITIs being run in Kerala to enable the students to appear in their examinations during this academic year;